Legitimacy of NATO Intervention in Kosovo and the Clinton Doctrine

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ABSTRACT

The North Atlantic Treaty Organization (NATO) has also intervened in other countries, but NATO's intervention in Kosovo represents an imperative task to stop the spread of a new genocidal geometry, against the revival of Hitler's actions, against the holocaust that was being exercised by the Milosevic regime on the Albanian people in Kosovo. These terrible events took place on the eve of the end of the 20th century, although the Charter of the United Nations Organization (UN) that was drawn up after the Second World War sanctioned any manifestation of genocide and was defined as an act criminal against the international system and against human values.

International sanctions against the genocide were ignored by the Belgrade regime. The goal of the Serbian regime was to uproot all Albanians by committing serious genocidal acts and causing mass murders, inhuman massacres and mass deportations. The world was horrified by the horrific images of Serbian genocidal actions against Albanians. The situation of the Albanians was catastrophic and with the potential for the spread of this disaster in the region and beyond. Peoples in different countries of the world called to stop and not allow the continuation of genocidal crimes.

Before the International Community (IC) it was laid as an imperative task to stop the Serbian genocidal actions in Kosovo. NATO, strongly supported by the USA, led by President Clinton's doctrine, closely monitors the situation of the Albanian population in Kosovo. After the exhaustion of all peaceful means to stop the continuation of the genocide in Kosovo, the need for the use of military force was presented. The failure of all diplomatic tools presents the necessity of NATO's intervention as a last resort to stop the genocide that was being carried out by the Serbian regime in Kosovo. The intervention was NATO's imperative duty to stop the genocide and limit the spread of the humanitarian crisis in the region and beyond.

NATO based its humanitarian intervention in Kosovo on the references of the protection of the values of the international system, which implicitly and explicitly are legal and legitimate. On this basic background in defense of human values, NATO members were unified and on March 24, 1999, they attacked the bases of the Serbian military forces that were carrying out genocidal actions against the Albanians. With this intervention, NATO proves that the fundamental principles of humanitarian protection are its mantra.

Keywords: NATO, Intervention, Imperative, Kosovo, Legitimacy, Legality, Doctrine

INTRODUCTION

The causes of fueling conflicts are of different natures, but the most widespread are the fueling of conflicts with features of nationalist ethnocentrism, religious fundamentalism or repressive governments, but there are also cases of fueling conflicts due to the lack of governmental effectiveness. In these conflicts, the involvement is collective, and usually the most serious consequences are suffered by the most vulnerable groups, women, children and the elderly (Thomahausen, S. 2002:88), with the potential of causing humanitarian crises and their tendency to spread.

In the circumstances of similar conflicts, humanitarian intervention is presented as an imperative and takes place as a headline during the review by all organizations operating within the international system to manage humanitarian emergencies. Assessed from this point of view, NATO's intervention in Kosovo was a humanitarian emergency against the transparent genocidal violence of Serbia that was exerted on the Albanian population in Kosovo. The genocide in Kosovo that was proved by the evidence of Serbian atrocities and by the data collected by the various organizations operating in Kosovo. There was evidence of the massacre of the killed civilians and the destruction of their property by the Serbian military forces who, in addition to mass murders of Albanian civilians, also carried out ethnic cleansing of the territory of Kosovo[1], which was inhabited by more than 90% Albanian population.

In fact, NATO's intervention was late, since we study well the beginning of the genocidal actions of the Serbs against the Albanians in Kosovo. Historically, Serbia had committed genocide against the Albanians in different periods, both during the time when the Balkans were under the rule of the Ottoman Empire and after the fragmentation of Albania and the remaining of Kosovo under the kingdom of the Slavs.[2] Likewise, after the Second World War and the time of the constitution of the Yugoslav federation and then during the time of Ranković during the 1960s, the Serbs committed genocide against the Albanian population in Kosovo.

The Serbian genocidal violence against the Albanians during the 1980s[3] continued despite the fact that in the world efforts were being made to overthrow the dictatorial governments and the

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[1] https://www.jstor.org/stable/2555349?seq=1

[2] The Swedish history professor Göran Wassenius claims that: "The truth about Kosovo is that the province was occupied by the Serbs in the Balkan War of 1912-1913. No consensus or agreement has ever been reached between the parties regarding the occupied territory. Belgrade immediately began a policy of expulsion and extermination, which continued until 1999. The attitude of the Serbs towards the Albanians can best be described in one word: contempt." (https://www.fria.nu/artikel/20877 visited on 02-04-2022).

[3] In the 1980s, the Yugoslav government carried out many murders on Albanian demonstrators who demanded freedom and equality with the other peoples of the federation. The murders of Albanians during the 1980s were also carried out on Albanian mans who were on military service in the federal army. In these years, Albanian children were also killed by Slavic doctors just because they had Albanian affiliation. One of the children killed was my son ILIRI (1985), who was five months old and who died from the poisoning of the medicines he received from a chauvinist pediatrician named Pajanot in the city of Ferizaj. On the terrible night of his death, the body of my son was among the 8 dead Albanian children. After I returned to understand why my son became worse there was an Albanian doctor who concluded that his death was caused by the lethal drugs he had received from the doctor

communist system was being flooded, while in Kosovo the system of apartheid for the Albanians was strengthened. As a result of this policy, one third of the Albanian population, about six hundred thousand (600,000), were arrested from 1981 to 1988, being interrogated or going through judicial processes. While in the same period of time twenty-two thousand (22,000) Albanians were sentenced to draconian sentences of 2 to 14 years of imprisonment (Salihu, S. 2000:22-3). In the period of the 1990s, when the development of the third phase of democracy in Europe took off, the installation of the apartheid system took off in Kosovo, while masked genocidal crimes took the form of transparent genocidal actions.

The mass population clash between the Serbian government and the Albanians after the 1981 demonstrations, which were violently suppressed, occurred in 1989 when the Albanians came out in mass protests in defense of the Kosovo Constitution of 1974. The Milosevic government took measures to suppress the autonomy of Kosovo, while the Albanians opposed this abolition. The act of suppressing the Constitution was a coup against the Yugoslav federation (Salihu, S. 2000:34) and this act was followed by the establishment of legal means to practice transparent genocide on Albanians. The government of Serbia with normative acts discriminated against Albanians even though over 90% of the Albanian population lived in Kosovo (Thomahausen, S. 2002:88). The transparent Serbian genocidal policy was updated on the Albanians and forced the Albanians to look for alternatives to survive in their homes. The Albanians had no opportunity for military self-defense, but they united around a peaceful policy. Indeed, Kosovo turned into an unsafe place to live under the apartheid system and Albanians were denied the right to education in their mother tongue. In severe conditions, their lives were also endangered by economic poverty, since the Albanians were left without work and without economic income.

Albanians managed to survive economically and ensure their existence from the financial aid of the Albanian diaspora from all over the world, and in particular from the Albanian diaspora in Europe and America, for almost more than a decade. The Albanian diaspora, in addition to helping economically, also played an important role in raising awareness of the Albanian issue in the world and built regular information channels for the IC about the difficult situation in Kosovo.

Despite the awareness of the Albanian issue in all international instances, Kosovo did not receive sufficient support. The International Community during that period, 1990-1995, except for the issued of several Resolutions by the General Assembly and the UN Human Rights Commission, where condemned the actions of the Serbian government against the Albanians. But these Resolutions did not have any positive effect to stop the violence of the Serbian government on the Albanians (Salihu, S. 2000:48-9).

Arbitrary arrests and genocidal violence continued in Kosovo, which increased rapidly against Albanians with state authorization from Serbia. On the other hand, Albanian politicians continued to seek peaceful solutions in a democratic way and had declared the independence of

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Panajot. Similar murders of Albanian children by Serbian doctors and nurses became to take place much more in the early 1990s, killing Albanian children by suffocation during the process of their birth by Albanian mothers. The alternative to save children from death during the 1990s was for Albanian mothers to give birth to their children at home or to go to Albanian gynecologists.

the Republic of Kosovo within the Yugoslav federation. The Albanians, with this goal of realizing their demands, held a referendum and elected their own president (Thomahausen, S. 2002:89), but after the 1991 referendum and the election of the president and government in 1992, these leading bodies of Kosovo failed to exercise their competencies.

With the escalation of the security situation during the 1990s in the entire Yugoslav federation and the practice of genocide against Albanians, the situation in Kosovo worsened even more. At the beginning of the spring of 1990, as mentioned above, the transition from the use of masked Serbian genocidal action to transparent Serbian genocidal actions on Albanians took place. During this time, the Serbian regime poisoned Albanian pupils and students in schools collectively.[4] After the poisoning of the pupils and students also started a campaign to exclude all Albanian workers from their workplaces who would provide the food for the existence of their families. As a result of being excluded from the workplace their existential security of personal life and their families was endangered. In an effort to save their lives and their families, a significant number of Albanians migrated and presented themselves as asylum seekers in other safer countries. According to the evidence before the start of the war, during the period of 1990-1997, over five hundred thousand Albanians emigrated from Kosovo (Salihu, S. 2000:43). At the beginning of the war in Kosovo, during 1998, according to international law professor Morton, the number of Albanians displaced from their homes was more than two hundred thousand (Morton, S. Jeffrey 2002:76), while the number of refugees in the states neighboring had reached nearly four hundred thousand (Salihu, S. 2000:55) and this figure reached nearly one million Albanian refugees during the time of the NATO intervention.

These facts deny the tendentious claims of some countries that opposed NATO's intervention, by accusing NATO of the catastrophic escalation of the situation in Kosovo with the assertions that the Serbian army allegedly carried out massacres on the Albanian population and expelled Albanians from their homes due to the anger of the bombings. Based on factual arguments, it is proven that the macabre murders and deportations of the population by the military forces were systematically carried out before NATO intervened. Based on data only during a six-month period before the start of the NATO bombings, that is, during 1998, more than 200,000 (two hundred thousand) Albanians had abandoned their homes (Morton, S. Jeffrey 2002:77) and four hundred thousand refugees in neighboring countries from the persecution and violence exerted by Serbian forces against the Albanian population.

The humanitarian emergency caused by the transparent Serbian genocidal actions forced the International Community to intervene with humanitarian action to stop these extremely large-scale crimes against the Albanians in Kosovo. The execution of the massacres in Kosovo drew the attention of the democratic world towards Kosovo and they called on Serbia to stop the killing of civilians, women, children, and elderly civilians. The intensity of the transparent Serbian genocidal actions increased drastically, especially in the years 1998-1999, and if

[4] https://bengtsjoberg.blogg.se/2009/march/den-mystiska-sjukdomen-i-kosova.html. Për më shumë rreth helmimit të nxënsëve shqiptarë mund të gjeni në librin ”Den mystiska sjukdomen : vad hände i Kosova (Kosovo) 1990?” nga Göran Wassenius. ISBN 9789186407179

measures were not taken to stop the transparent genocide with a humanitarian action, then each bodies of the international system will be put in a dubious position.

The International Community, in addition to the ultimatum demands to Serbia for the cessation of genocidal actions in Kosovo, also aimed at avoiding the spread of the Kosovo war in the region and beyond. In a peaceful effort to end this humanitarian crisis, the International Community failed to stop the actions of the Serbian army on the Albanian population in Kosovo. The refusal of the Serbian regime to stop the genocide against the Albanians and the serious violations that violated all International Charters and Conventions was a challenge of heavy weight to the International Community. The continuation of Serbian genocidal actions forced the International Community to initially use all diplomatic means to stop these acts. In the diplomatic process, all diplomatic forms were used until they were exhausted, and after the failure to stop the Serbian genocidal campaign in Kosovo, the necessity appeared as an imperative duty to intervene militarily with the air forces through a humanitarian action of NATO in Kosovo.

In finding a more effective method to achieve a cessation of the actions of the Serbian military forces and after all efforts for a peaceful solution had failed, the only appropriate and hopeful measure was humanitarian intervention. Regarding the alternative of the air intervention of the NATO forces, there were reactions from different points of view that aroused a heated debate. Despite the contradictions and clashes over the use of NATO's methods, however, the topic that dominated the debates was the necessity of ending the Serbian genocidal violence against the Albanians.

The failures of the International Community to implement the Convention on the Prevention and Punishment of the Crime of Genocide (1948) were well known in other countries as it had failed to stand firm against genocide and to live up to the slogan "Never Again". In the correction of these fiascos, the United States of America and NATO were determined not to allow them to experience the bitter experience as in the conflicts in Rwanda and Srebrenica. The commission of genocide in these countries and the current genocide in the case of Kosovo force democratic states not to remain indifferent. The unified reaction of the nineteen democratic states that a humanitarian action of the NATO intervention against the Serbian military forces in Kosovo was an imperative issue.

Eventually, the imperative of NATO's intervention in Kosovo became part of the history of interventions for the protection of human rights. The purpose of the decision determining the imperative need for intervention was taken with the motive to stop the terrible crimes of the Serbian genocide in Kosovo.

NATO had defined non-negotiable objectives for the imperative intervention in Kosovo, which included:

1. The end of killings by Yugoslav army and police forces in Kosovo;

2. Withdrawal of those forces;

3. Establishing an international force led by NATO;

4. Return of all refugees; AND

5. The political solution for Kosovo (Morton, S. Jeffrey 2002:78).

The positioning and support of the NATO intervention imperative was based not only on Kosovo but also in support of the values of the international system and the main reference was the protection of human rights. The commitment to the protection of human rights was and remains an obligation sanctioned in the UN Charter and on this basis the imperative of NATO's intervention in Kosovo was legitimate and legal.

The imperative action of NATO's intervention in Kosovo was based on the provisions of the UN Charter and other follow-up Conventions that have set forth the mandatory duties for security and humanitarian protection. In this perspective, the support and support on humanitarian grounds to stop the continuation of the genocidal crime of the Serbian regime against the Albanian people of Kosovo, results that the intervention of NATO possessed legitimacy and legality. This legitimacy and legality, in addition to the arguments above, is also reinforced by the theory of John Rawls, "A Theory of Justice" (1971), which foresees that all societies see the issue of human security as a fundamental right and based on this right is the imperative for humanitarian intervention with the primary goal of saving people's lives is undeniable.

Legitimacy of NATO intervention in Kosovo

"If the laws embodying human peace and security are not enforced then what kind of laws and regulations can we talk about!?" (Salihu. S. 2024)

In the scientific literature, famous philosophers such as Aristotle and others have addressed the question of when and under what circumstances political communities can legitimately go to war (O'Driscoll, Cian). A war can be considered a just war when it aims to save people's lives. Humanitarian intervention aimed at saving people is considered only as a subset that is embodied as an integral part of the Just War paradigm (Knotter, Lucas, 2022:87).

The paradigm of the Just War to save the lives of people in Kosovo was applied to NATO's humanitarian intervention in Kosovo on March 24, 1999 which lasted 78 days. The International Community possessed factual evidence proving that the military forces of Serbia had started military movements from one village to another killing Albanian civilians and bombing and burning their houses. They were mostly Albanian civilians taken hostage by Serbian military forces who were raped and after the barbaric rapes were killed. The bombing of villages and massacres of the civilian population is sanctioned in all IC documents, but they were not respected. Such actions showed that the form of war in Kosovo was not a war in the traditional sense, but an attack with tanks and artillery against the defenseless population and their leaders who were looking for a peaceful solution.[5]

[5] https://www.clintonlibrary.gov/sites/default/files/documents/kosovo-press-1999.pdf visited me 14-5-2018

These circumstances caused the democratic world to position itself in defense of the people who were victims of the Serbian regime and to determine the necessity of avoiding the spread of the humanitarian crisis. The clash of positions for this humanitarian intervention was not that the legal basis was missing, but the will of Russia and China to authorize NATO's humanitarian intervention in Kosovo was missing. The effort to find methods not to escalate the contradiction between those states that were for humanitarian protection and those against, such as Russia and China that were permanent members of the Security Council, prolonged the humanitarian intervention in Kosovo. Russia and China felt inferior in relation to the unity of the United States of America (USA) and European democratic states that supported the imperative for humanitarian intervention. In this context, Russia and China were focused on protecting their own interests in order to maintain the positioning of their power in the international world order, and in this battle for power they blocked support to intervene in Kosovo. In an attempt to respond to the situation in Kosovo, numerous meetings were held in UN bodies, but no decisive decision was taken to authorize NATO's humanitarian intervention, although there was a normative basis.

In the framework of the review of authorizations for similar situations there was a ready answer given by the government of the United Kingdom which had often defended the position that humanitarian intervention even without the consent of the target state and that it is necessary without express authorization of the UN Security Council – is legally permissible in exceptional circumstances (Newman, Edward 2021:632). Arguments The British government's statement on the legality of humanitarian intervention referred to the principles of the UN Charter, and naturally the same legality applies in the case of the intervention in Kosovo.

The strengthening of the legality and legitimacy of humanitarian intervention is enhanced by the fact that IC is built on legal and moral provisions for the protection of peace and security, and the implementation of these provisions is a mandatory norm within an international order. Concepts such as reason, justification and conviction are intertwined in the outline of these definitions. Processing these concepts in the decision-making process is an ethical value in measuring arguments and factual evidence to reach legitimacy. Therefore, decision-making must necessarily be preceded by a debate with moral, legal and political content to justify the recognition or rejection of legitimacy (Naomi, H. 2012:33). If the case goes through this process then legitimacy is implicitly ensured. Legality, justice and legitimacy together have a close relationship with morality. At the core of all concepts, legality, legitimacy and justice are drawn from the source of pure moral clarity to justify their implementation and to have support in all world and regional instances throughout the world. Based on this decision-making process, Kosovo possessed reason and moral justification for the imperative of humanitarian intervention and enjoyed legitimacy even without the of the UN Security Council's decision-making authorization.

The lack of the UN Security Council authorization does not diminish the legitimacy of NATO's intervention at all since it is in reference to all the principles on which the UN and NATO were established. Even in cases where there is no explicit authorization of the Security Council for

humanitarian intervention in the systematic prevention of serious violations of human rights, then the legitimacy of the intervention is indisputable based on the norms of customary international law. In this regard, with the aim of stopping serious violations of human rights in Kosovo, there was sufficient evidence of massive violations of human rights (Thomahausen, S. 2002:110) with dimensions of genocidal violence.

The imperative of intervention challenges the lack of authorization of the UN Security Council and this challenge was also faced by human rights lawyers who, as Jonathan I. Charnet claims, could not resist the argued evidence that atrocities had been committed in Kosovo and the state of strongly called for the use of force within the parameters of humanitarian intervention to stop the offensive of the Serbian forces on the Albanian population. The imperative to intervene was based on evidence of ethnic cleansing, rape and other forms of systematic abuse. Thanks to these testimonies, NATO used military force exclusively with the aim of averting a humanitarian catastrophe.[6]

The legitimacy of the intervention is also supported by the statements of the president of the Security Council on January 29, 1999, who welcomed the plan of the Contact Group. The statement of the president of the Security Council was made after the Secretary General of NATO Javier Solana had given a threatening warning about NATO intervention against Serbia. Support for the legality of the imperative to intervene in Kosovo was also given by Secretary General Kofi Annan, who in his statement appealed to the collective conscience of humanity for the protection of peace and justice (Salihu, S. 2000:67). In Kofi Annan's speech at the 55th session of the Human Rights Commission, he emphasized that the Serbian authorities in Kosovo had an anti-human objective to expel and kill Albanians and provoke a humanitarian disaster in the region. Kofi Annan, in the continuation of the speech, condemned genocidal actions, underlining that genocide has no equivalent and the signs of genocidal actions in Kosovo are being verified (Kristafi, K. 2018:197). Kofi Annan, in his speech at the NATO Council (NAC) in Brussels, sought coordination between of NATO with the UN in matters of war and maintaining peace and security (Thomahausen, S. 2002:107).

In addition to the legitimacy of the intervention, there was also the legality of the NATO intervention, referring to the entirety of the Resolutions of the Security Council, which are binding norms sanctioned in the provisions of the UN Charter. As an open issue in the provisions of the Resolutions (no. 1199; no. 1203) was the undertaking of additional measures to stop the escalation of Serbian violence in Kosovo that legitimized the imperative for humanitarian intervention in Kosovo during 1999. With the wording as an open issue for action, the intervention in defense against the murderous violence of the Albanians by the Serbian army is legalized.

Consequently, the legitimacy and legalization of the intervention was in accordance with the Resolutions of the Security Council, in which a clear determination was adopted to necessary measures are taken to maintain international peace and regional security (Morton, S. Jeffrey 2002:76).

[6] https://www.jstor.org/stable/2555349?seq=1 visitied 02-01-2024

The critical situation in Kosovo had the potential to endanger international peace and regional security, and the IC authorities were concerned about this danger and were committed to ending the war in Kosovo. The United Nations Security Council, invoking Chapter VII, approved three Resolutions no. 1160; 1199 and 1203 in which the parties were required to negotiate to find a peaceful solution.

In accordance with the provisions of Resolution no. 1199, two agreements signed by the government of Serbia with the internationals were reached but were violated by the Serbian side. In the first agreement, it was agreed that the Organization for Security and Cooperation in Europe (OSCE) would establish Kosovo Verification Mission (KVM) that would monitor the situation in Kosovo. While the second Agreement allowed NATO to start an air surveillance mission over Kosovo. Also in January 1999, a diplomatic initiative was undertaken where members of the Contact Group (France, Italy, Germany, Russia, the United Kingdom and the USA) would arrange the start of negotiations with the Serbian and Albanian side for the drafting of a framework of autonomy with the right to hold a referendum after three years which would be the final stage for a peaceful solution. IC warned that if the agreements reached were not respected then it was warned of bombing by NATO (Morton, S. Jeffrey 2002:77).

The implementation of the agreements failed after the Serbian military forces did not stop the genocidal violence against the Albanians. From this failure, it was finally decided to start with humanitarian intervention. On March 24, 1999, the UN Security Council was forced to hold an emergency meeting on the situation in Kosovo as NATO launched airstrikes against Serbian military targets. NATO's intervention sparked conflicting reactions about this humanitarian action, as some countries condemned the airstrikes as a unilateral action and a violation of the United Nations Charter, while other countries claimed that the intervention prevented the expansion of a humanitarian disaster.[7]

Regarding the intervention, which started on March 24, 1999 and lasted 78 days, from what was said above, it cannot be said that it was not legal or legitimate based on other additional arguments. If NATO's intervention was not legal, then it would have stopped immediately, since Russia, together with Belarus and India, two days after the start of the bombings, had proposed the approval of the Draft Resolution to stop the bombings in the UN Security Council. This draft resolution proposal was not approved by the Security Council. The Project-Resolution in question, of March 26, received 3 votes in favor from China, Namibia, the Russian Federation, while 12 other member states were against. The rejection of Russia's Draft Resolution in the UN Security Council is approval of the continuation of NATO's humanitarian intervention. Allowing the continuation of NATO's intervention automatically ensures the legality and legitimacy of NATO's actions in Kosovo. The Security Council rejected the Draft Resolution of Russia and Belarus on March 26, 1999, and with this approval, NATO's intervention was legalized by the Security Council as well.

NATO's intervention was also severely criticized in the case of the bombing of the Chinese embassy in Belgrade. China's complaint to the Security Council was immediate. At the request

[7] https://press.un.org/en/2000/20000118.sc6784.doc.html

of the Chinese government, the Security Council met again on May 8, 1999. The Chinese representative underlined that NATO had flagrantly attacked the Chinese Embassy in Belgrade with three missiles, causing deaths, injuries and serious damage. China considers as absurd the justifying argument that NATO had not deliberately bombed the Chinese embassy. Despite the objections and disagreements of the Chinese representatives at that meeting, however, the Security Council concluded that NATO had not violated the Convention on diplomatic protection.

The other argument that strengthens the legitimacy of the intervention is the rejection of the request of the government of Serbia which was made on June 2, 1999 to the International Court of Justice to order NATO to stop the bombing in Kosovo. In support of the rejecting reactions of the international level instances for the cessation of the intervention, it gives legality and strong legitimacy to the continuation of the NATO intervention.

An additional argument is Resolution 1244, in which the intervention of NATO was not condemned anywhere in its text. In this Resolution, it was determined to continue the intervention by changing the form of action from NATO's military intervention to intervention with the deployment of an international military force in Kosovo to maintain peace and security (Thomahausen, S. 2002:108).

The legality and legitimacy of NATO's intervention is fully supported by the Declaration of Human Rights adopted by the UN Assembly in 1948, which challenges the sovereignty of every state. In this Declaration, article 29 point 3, the principles of the UN are sanctioned and if we look more closely at this article, it can be seen that the protection of these principles is included in the text of the three Resolutions issued in 1998 on the situation in Kosovo. Also, in this Declaration in Article 30 it is sanctioned that no state has the right to carry out any activity or to take any action directed against any right or freedom announced in this Declaration.[8]

In support of these principles, the UN Human Rights Commission came out to debate, during a special debate on April 1, 1999, about the tragedy of Kosovo and from the debate it was concluded that Milosevic's main objective was the complete disappearance of the Albanian ethnicity. From the final findings of the debate, NATO's intervention was also justified. Albania's representative Ksenofon Kristafi also expressed his support for the findings of the UN Human Rights Commission. In his assessment of the NATO bombings, Kristafi states that the NATO bombing operation in Kosovo puts an end to the classical theory of international law on the model of absolute sovereignty by stripping it of the right to exercise violence and violate human rights by authoritarian and dictatorial regimes (Kristafi, K. 2018:167-87).

In endangerment of these rights with signals for the expansion of the humanitarian crisis and in cases of endangerment of international peace and regional security is an obligatory obligation of the UN to undertake adequate measures. In the case of Kosovo, there were three principles to intervene:

1) The first principle was conditioned by two factors:

[8] https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/aln.pdf

a) serious violations of DN and

b) subjecting a civil society to suffering and endangering their lives;

2) The second principle is the protection of the victimized population;

3) The third principle takes into account the need to take adequate measures to end the humanitarian disaster in defense of all civilians (Naomi, H. 2012:29).

Based on these three principles, NATO's intervention in Kosovo was legal and legitimate. Also, NATO's intervention is legitimized through the Just War doctrine, which is summarized in four main principles:

1) Right measurement of the cause (loss of human life on a high scale or ethnic cleansing on a large scale);

2) The right goal, (fight as a last resort, proportional means and reasonable prospects);

3) Righteous authority;

4) Principles of operations (clear objectives and mandate, joint military approach, appropriate rules of engagement; acceptance of gradualism in the application of force, maximum coordination with humanitarian organizations and acceptance that the defense of power cannot be the main objective (Naomi , H. 2012:29).

In deepening the analysis of the Just War tradition, we find the most sophisticated framework that corresponds to the intervention of NATO and which is seen to be compatible with the doctrine of the defense of a Just War. At the core of the Just War tradition are the principles that provide lasting reinforcement to the legality and legitimacy of NATO's intervention.

The Just War tradition has been modeled and shaped by the broad consensus of Western tradition and culture on the problems of justification to curb and stop violent actions and wars. In reflecting the legitimacy of NATO's intervention in the principles of the Just War tradition, we can refer to the criteria of the two categories of this tradition.

In the first category "Ius ad Bellum" (Right to War) the right to conduct a war is protected. In the second category "Ius in Bello" (Law in War) protects the possibility of how war can be done legitimately (Fixdal, M. & Smith, D. 1998:286). In the first category "Ius ad Bellum" in the table listed by Richard B. Miller (1991:13-15) for the Just War there are 8 criteria and all the elements of these criteria match the NATO intervention in Kosovo.

1) The first criterion that includes the right authority ("right authority"). Although the clear authorization of the Security Council was missing, this criterion was fulfilled and in accordance with the texts of the Resolution for Kosovo that were issued by the Security Council and fulfills the condition of right authority. In Resolutions no. 1199 was defined that the use of additional measures remains open, which was repeated in Resolution 1203. The criterion for the appropriate authority is met even when the Security Council opposes the continuation of NATO's actions and rejects Russia's Draft Resolution on the cessation of the intervention. The refusal of the Security

Council not to stop the intervention is a clear indicator that implicitly this criterion has also been met and in fact the legality and legitimacy of NATO's intervention is indisputable.

2) The second criterion is "just cause" which foresees the permission to use force if there is a just cause. The criterion is in accordance with the just cause of NATO, which was intended to save the Albanian people from the Serbian genocidal offensive.

3) The third criterion is the right intention ("right intention"), which, in addition to the cause, also includes the right intention. In this criterion, it is stipulated that the motive is right to respond to the cause to achieve a right goal. If we look at this criterion in the case of Kosovo, it is clear that the purpose of the cause was to protect the Albanian people from Serbian genocidal violence.

4) Criterion four is the last resort ("Last resort") and this criterion has also been met in Kosovo. Before NATO's intervention began, all diplomatic tools had been exhausted. The intervention was the last resort for protection from the violation of all UN norms, including the issuance of Resolutions that had binding power to implement but which the government in Belgrade did not implement.

5) The fifth criterion is related to proportionality ("Proportionality") and in the fulfillment of this criterion it is required that the use of military means be sure to measure proportionality so that the result of the benefits is greater than the harm caused.

The essence of this criterion is four-fold fulfilled and there is no dilemma in fulfilling this criterion in the case of NATO's intervention in Kosovo. The evidence speaks of the extraordinary benefits that NATO's humanitarian intervention brought by interrupting the continuation of the Serbian genocide and the return of nearly a million Albanians to their homes. NATO's intervention also fulfills the demands of the Women in Black in Serbia who asked the authorities in Belgrade not to send their sons to fight against the Albanians in Kosovo. The benefits of the intervention can be categorized and arranged in three dimensions that influenced a) the unification of the democratic states that remained steadfast to protect the essential principles of the UN in maintaining peace and security; b) saving the Albanian people from Serbian genocidal violence and c) fulfilling the appeal of Women in Black that their sons should not be sent to war.

6) The sixth criterion is "reasonable hope" which is based on the fundamental principle of freedom that as a universal value could be achieved through the Just War. This criterion was the reasonable hope that the humanitarian intervention would secure the lives of Albanians unprotected by the genocidal Serbian regime.

7) The seventh criterion foresees relative justice ("Relative justice") which limits the right of the state to act in reference to the absolute right. According to this criterion, no state is allowed, based on the sanctions in the International Justice System, to possess the right to commit genocidal acts.

In the analysis of the seventh criterion, the relative right is found, questioning any state sovereignty that uses genocidal violence. In this context, all claims about the violation of Yugoslavia's sovereignty are rejected because no country has the right to kill, massacre and deport its own citizens. Although Kosovo had declared its independence in 1990, the institutions of Yugoslavia were still in force. The identification of the Albanian population of Kosovo were documents issued by the Yugoslav institutions that proved that they were citizens of Yugoslavia but did not enjoy rights as citizens. Violation of rights and endangering the lives of Albanians was done precisely because they had Albanian affiliation. NATO's humanitarian intervention was directed to protect Albanians who were threatened only by the fact that they belonged to Albania.

8) The eighth criterion is related to open declarations. According to this criterion, there must be open and well-known warnings before every intervention step. The implementation of the intervention decision must be announced by the leaders of the intervention.

Even the criterion for open declarations before the intervention has been fulfilled by leaders of international instances. Milosevic's government was warned that if it did not stop the violence against Kosovo Albanians, NATO would intervene militarily. They had given this warning many times and for years even during the early 1990s, starting with the warnings of President George Bush. Warnings for air intervention continued and intensified when the situation in Kosovo deteriorated dramatically during 1998-9. President Clinton and his administration had warned Milosevic several times about the consequences if he does not stop the military violence against the Albanians, intervention would follow. Even the Resolutions of the Security Council provided for the possibility to undertake additional measures to stop the violence of the Serbian army against the Albanians. The warnings were universally clear from NATO indicating that it was in a state of readiness to receive orders to intervene in Kosovo. The last warning was the order of the Secretary General of NATO, Javier Solana, who gave the order on 23 March 1999 to start combat operations against the Serbian military forces (Fixdal, M. & Smith, D. 1998:286-7).

The second category is "Ius in Bello" (Law of War) as a part of the Just War that possesses some criteria and has components that reinforce the justification for the Just War by defining the Law of War, namely the behavior in war.

1) The first criterion in this category is discrimination: in this criterion it is sanctioned that the term discrimination means discrimination between the side of the military forces and the side of the civilian population. In other words, distinguish and respect immunity for people who are not fighting and are not combatants or members of the war.

In the case of Kosovo, NATO's humanitarian intervention targeted only military garrisons and points of military forces that committed genocide on the Albanian civilian population in Kosovo. With this criterion of discrimination, the immunity of the civilian population was guaranteed even by NATO.

2) Proportionality is foreseen in the second criterion. This criterion is similar to the fifth criterion of the first category "Ius ad Bellum" where it is required that the intervention be measurable and bring more benefit than harm.

As above about this criterion NATO's intervention is measurable and very successful because it brought great good and benefits by: a) stopping the Serbian genocidal violence and the return of nearly a million Albanians who were expelled from their homes by the Serbian military forces ; b) save the sons of Black Women Organization in Serbia who demanded that their sons not go and risk themselves in the fighting to kill Albanians in Kosovo; and c) protect the universal principles and values of the international system (Fixdal, M. & Smith, D. 1998:287.

NATO's intervention was in accordance with the content of the Just War tradition and by fulfilling all these criteria it is argued that both categories have been respected through which the use of force is legitimized against any sovereign state that violates these criteria, as they were violated in the case of Kosovo. In the essence of the two categories lies the ethics from which the actions of the political power and the real situation are preliminarily evaluated and taken into consideration. Despite the hesitations, dilemmas or confrontations for the support of the Just War, the permanent relevance for the preservation of international peace and security from the endangerment of security and humanitarian crises lies in the essence. In support of these arguments from the Just War as a sanctioned part of the framework of the international system, NATO's humanitarian intervention also stands indisputably.

In clarifying the dilemma about the development of the Just War, specifically for the dilemmas about the principle of justice in cases of confrontation or supporting and not supporting the imperative of war, it can be understood in the answers of the classical philosophy texts that can be used as an answer in all the times. We find such an answer expressed by the thoughts of the philosopher Augustine, who connected the imperative of war with the principle of justice, which includes obligation and obligation. In this context, Augustine underlines that wise men will wage just wars but will always complain about the fact that they were faced with the necessity of waging a just war, because if the principle of justice did not exist they would not engage in any kind of war. The philosopher Augustin's answer corresponds exactly to the imperative of NATO's humanitarian intervention in Kosovo, which was a duty and obligation to protect peace and security.

In further examination of the tradition of the Just War, it can be seen that the form of the development of the war has been sanctioned in terms of the manner of conduct and the use of the tools of the Just War. At the same time, the Just War excludes the dichotomy of ethics between regional or international relations. In the framework of the sanctions of the Just War tradition, the precedence of motives with useful goals is affirmed, which captures the purest elements

derived from ethical principles. Based on the principles of ethics in connection with the imperative of intervention, three ethical perspectives are affirmed:

1) Deontology (duty and obligation)

2) Consequentialism and

3) Ethical virtue.

In reading the perspective of deontology (obligation and obligation) there is included the criterion to fulfill the obligations and duties that we owe to others. The measuring tool to judge about obligation and obligation to others is based on the conditions of whether the actions conform to the standards of natural law. In the lens of this perspective, the natural right of Kosovo Albanians to live and to protect their lives from the genocidal violence of Serbia was an obligation and obligation that is equivalent to the imperative to intervene. Deontology in the case of Kosovo has been completed with the intervention of NATO and the states that invested in this intervention performed the obligation and obligation to protect natural rights to ensure the life of a people victimized by Serbian genocidal violence.

The perspective of consequentialism takes into account many factors, but as a basis it rests on the prioritization of effects, and the list of requirements foresees the promotion of well-being, happiness and other behaviors that have good effects on people's lives. The effects of NATO's intervention in Kosovo brought happiness and well-being to Albanians, saving them from the death of Serbian army forces.

In the perspective of ethical virtue, its concentration is on giving priority to act in the fulfillment of needs in the first place towards ourselves to continue in the fulfillment of the duties we owe to others. In this dimension, the task and effect is based on the evaluations of the individual who is judged to have good and right character and intentions, which are of special importance and are part incorporated in the philosophy of the Just War tradition (Fixdal, M. & Smith, D. 1998:287). Within this perspective was the wisdom that was shown in the action strategy of the NATO intervention by engaging its troops through air actions and reserving the use n of ground actions in order not to endanger the military troops who were carrying out humanitarian action. With this strategy, the requirement for the preservation of the lives of NATO troops was fulfilled and at the same time the obligation to save their lives was fulfilled.

The Just War tradition, while facing challenges and submission to the "tyranny of principles", turns its attention to judgment in an effort to balance the ground between morality and the reality of the current situation. Judging the relevance of the just war, the specifics and sensibilities to start a Just War are clearly visible. The sensitivity of the war goes through the assessment of many criteria. In the two categories of the Just War tradition, the criterion that is repeated in the two categories is the criterion of proportionality. In this specific criterion, it is assessed that in cases where a war that takes place outside the dimensions of proportionality lays down the indisputable impracticality to intervene to stop these wars.

In the case of Kosovo, the war waged by the Serbian military forces was out of proportion, killing and massacring the Albanian civilian population and expelling them from their homes. In this regard, NATO's decision on humanitarian intervention is fully in line with the criteria of the Just War tradition. All the criteria of the Just War tradition rest on the foundations of humanism and aim to achieve equilibrium between moral and political arguments and high care about the motive of the goal and its consequences are taken into consideration beforehand (Fixdal, M. & Smith, D. 1998:288). In examining these criteria, the legitimacy and legality of NATO's intervention in Kosovo is assessed.

Clinton's doctrine in line with the values of humanization

"If we don't act, the war will spread. If it spreads, we will not be able to contain it without far greater risk and cost. I believe the real challenge of our foreign policy today is to deal with problems before they do permanent harm to our vital interests. That is what we must do in Kosovo… We should remember what happened in the village of Racak back in January -- innocent men, women and children taken from their homes to a gully, forced to kneel in the dirt, sprayed with gunfire -- not because of anything they had done, but because of who they were. … a part of my responsibility is to try to leave to my successors, and to our country in the 21st century, an environment in Europe that is stable, humane and secure. It will be a big part of America's future...".[9]

The imperative of NATO's intervention is closely related to the line of Clinton's doctrine in which the aspiration to protect universal values in defense of the lives of vulnerable people is defined. The Clinton Doctrine was basically in support of Kosovo's humanitarian intervention to stop the Serbian genocide in Kosovo. President Clinton during the development of the war in Kosovo clearly underlines the consequences that follow from a leader's policy and asserts that if any leader leads his people to commit crimes, referring to Hiller who guides his people to commit genocide, then other people who have the role of leader must make decisions to stop their actions.

In the comparative analysis about the qualities of leadership by President Clinton, he further drew out the similarities between Hitler and Milosevic, showing that the latter in the 1980s in order to expand his power had incited religious and ethnic hatred. Milosevic, in the name of the cause of Greater Serbia, waged war against the other peoples of the Yugoslav federation, and I continue this war in particular against the Bosnian Muslims and the Kosovar Albanians.

[9] https://edition.cnn.com/ALLPOLITICS/stories/1999/05/13/clinton.kosovo/transcript.html

The doctrine of Bill Clinton as a leader with democratic quality was against the genocidal doctrine of Milosevic that he practiced in Kosovo. President Clinton drew parallels in the connection between Hitler's Holocaust and Milosevic's actions against the Albanians with ethnic cleansing and the use of brutal systematic and premeditated oppression inciting religious and ethnic hatred in order to maintain power and create a Greater Serbia. Clinton emphasized that the war that Milosevic was waging in Kosovo to expel the Albanians from their land was aimed at permanently eradicating the Albanians in Kosovo, therefore it is considered to be a war not only against the Albanians but also against human values. Furthermore, President Clinton arguing about the situation in Kosovo and Serbia's offensive against the Albanians underlined that this is: "an insult to humanity and an attack not only on one people, but on the dignity of all people".[10]

The facts of Milosevic's regime a decade ago (1989) speak of stripping Kosovo of the constitutional arrangement of 1974, denying the legitimate right to elementary rights to use the native language, to go to their schools and shape their daily lives. President Clinton demanded a change in the situation in Kosovo and stopping the genocidal violence ordered by Milosevic. Therefore, in another statement, Clinton defines the role of two types of political leaders and in what directions they could lead the people. In this case, Clinton takes Hitler as an example and underlines that the Germans would not do anything against other races, but it was Hitler who forced the Germans to carry out the Holocaust. Political leaders like Hitler can do similar things but the other kind of leaders must do something to stop Milosevic.[11] In this situation, Clinton himself, in the role of the leader of the USA, felt the weight of the heavy burden to stop Milosevic and continuously presented factual arguments about the situation in Kosovo.

President Clinton was direct to present the imperative for intervention to stop the continuation of the genocidal actions of the Serbian military forces after all expectations had been exhausted that diplomatic means would be able to resolve the issue of Kosovo.

"... have a NATO action order predicated on the implementation of the peace process, and the failure to do it triggering reaction, that we ought to do what we can to prevent further atrocities… I do not believe that we ought to have to have thousands more people slaughtered and buried in open soccer fields before we do something. I think that would be unfortunate if we had said we have to have a lot more victims before we can stop what we know is about to happen."[12]

In reinforcing his doctrine, President Clinton appealed by emphasizing to follow the example of the generation of the Second World War to act against aggression and hatred and had full conviction that the Allies of NATO will achieve the objectives one way or another. His conviction had been strengthened since Milosevic's genocidal violence against the Albanian people of Kosovo had strengthened the unity and determination of the allies.

Actually, Clinton was aware that during the disintegration of the Yugoslav Federation, Kosovo had declared its sovereignty in 1990 and had determined its future, but it was not recognized by

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[10] https://edition.cnn.com/ALLPOLITICS/stories/1999/05/13/clinton.kosovo/transcript.html me 03-05-2018

[11] Ibid

[12] https://www.washingtonpost.com/wp-srv/politics/daily/april99/clintonquotes.htm

the International Community. After the outbreak of the wars in Bosnia and Croatia, the Kosovo issue remained in the shadows and was not taken into account either before or after the Dayton Agreement. The dire situation and gross violations of human rights in the territory of Kosovo were well known to IC (Thomahausen, S. 2002:88). IC was focused on the implementation of the Dayton Agreement and Kosovo remained the next victim for the government of Serbia. Seeing the extremely difficult situation in Kosovo, then the IC decided to be more active in preventing the Milosevic regime and imposed sanctions against Serbia, but they did not have any positive effect.

In fact, the Clinton doctrine in defense of humanitarian values and the avoidance of wars was quite well known in the world. Even in the case of Kosovo, Clinton's doctrine was a guide for avoiding the spread of war and the cessation of genocidal actions. Wars were not favored in his doctrine and he used mechanisms to stop the development and spread of war by announcing his determination to end the war in Kosovo. In a brilliant way, the Clinton doctrine was presented by US Secretary Madeleine Albright regarding the case of Kosovo, which presents the position of President Clinton. Secretary Albright emphasized that they were ready to take unilateral action in order to stop Milosevic's barbaric violence and ethnic cleansing against Kosovo Albanian civilians. Clinton's doctrine was supported by many democratic European states, among them the support of the Prime Minister of Great Britain, Tony Blair, who, before the escalation of the war in Kosovo, demanded the intervention of IC in Kosovo. British Prime Minister Tony Bair in his statements as early as 1998 underlined that Britain cannot stand aside watching massive human suffering in Kosovo and added that it is necessary to act against European instability which is a threat to Britain as well (P.A. van Hooft , 2015:236)

British Prime Minister Tony Blair was aligned with the line of the Clinton doctrine because this doctrine was in line with all Charters and Conventions for the protection of Human Rights. The Clinton doctrine was in confrontation with the Milosevic regime, which continued to disobey IC's orders demanding the cessation of the military offensive in Kosovo. The UN Security Council also approved Resolution 1160 on March 31, 1998, which Milosevic did not take into account. In this Resolution, the Security Council asked Serbia, among other things, to stop the offensive of the Serbian military forces and to continue diplomatic negotiations for the recognition of a substantial autonomy for Kosovo. In this Resolution, the provision was approved in which an ultimatum was clearly given to stop fighting in Kosovo. However, the provisions of the Resolution are not respected by Serbia, which not only did not stop the military offensive, but intensified it even more by killing and massacring Albanian civilians. In defense of the civilian population, the Kosovo Liberation Army (KLA) continues to fight against the Serbian offensive (Thomahausen, S. 2002:91). The lack of military equipment of the KLA was a big gap as their equipment was meager compared to the equipment of the Serbian army, but nevertheless it resisted resolutely to fight and protect the population from the Serbian military forces.

The escalation of the war in Kosovo was contrary to the Resolutions issued by the IC and the Clinton doctrine. The increase in the number of Milosevic's military troops in Kosovo was estimated to be somewhere around 40-50,000 soldiers fighting against civilian Albanians who

were protected only by the KLA. The war continued while IC was still undecided to issue the ultimatum for the intervention of NATO military forces for the protection of the Albanian population. IC in September 1998 issued Resolution number 1199 which, in reference to Resolution 1160, put additional pressure on Milosevic. In Resolution 1199 it was assessed that the situation in Kosovo was extremely dangerous and was defined as a threat to international peace and regional security. During the compilation of this Resolution, a proposal was presented for the imperative of NATO intervention, but it was not approved because there was no support from the two permanent members of the SC, China and Russia. However, in the provisions of this Resolution it was approved to remain open the use of additional measures to maintain and restore peace, security and stability in the region (Thomahausen, S. 2002:93-4).

The adoption of Resolutions 1199 and 1203 kept open the issue of additional means for stopping the genocidal violence in Kosovo. While the government of Serbia continued to belittle the sanctions of the Resolutions and did not consider them as sufficient measures that could provide any legal basis or could refer to the existing normative criteria in the UN Charter for the use of NATO force to intervene in Kosovo. After many diplomatic meetings in this period of time, in the middle of October 1998, the US emissary Richard Holbrooke managed to sign an agreement with Milosevic for the cessation of the offensive as well as for the reduction of military forces in the territory of Kosovo. In addition to this Agreement, an agreement was reached to allow the allocation of the Verification Mission with 2000 unarmed international observers, as well as the creation of an Air Verification Mission over Kosovo.

At the end of October 1998 (on October 24) SC adopted Resolution 1203 which re-enforced the requirements of Resolution 1160 and 1199 by repeating the terminology used in Resolution 1199 in the text of which the situation in Kosovo was assessed as a threat to international peace and regional security (Thomahausen, S. 2002:95-6). Meanwhile, Resolution 1203 called for a quick and full investigation, including international supervision and participation, for all atrocities committed against Albanian civilians and full cooperation with the International Tribunal for the Former Yugoslavia. In this Resolution, the time limit was also defined, until November 2, 1998, to start negotiations between the parties to resolve the status of Kosovo by peaceful means.[13]

The implementation of these Resolutions was not respected and the Agreements reached with the emissary Holbrook were also violated by intensifying the Serbian military attacks in Kosovo. The resumption of the offensive of the Serbian army and the violation of the aforementioned Agreements forced NATO to issue an order to Serbia to withdraw its military troops within 96 hours, otherwise it would be bombed by NATO.

After a tactical retreat by Milosevic to avoid the threat of being bombed within 96 hours, he stopped the offensive for a short time, but then during the Christmas holidays resumed the Serbian military actions against the Albanian civilian population. On January 15, Serbian military forces carried out the next massacre in the village of Reçak, killing 45 Albanian civilians. In addition to gunshot wounds, the bodies of the victims also had cold weapon wounds. All the victims, from the oldest to the baby, had been brutally slaughtered. William Walker, who

[13] http://unscr.com/en/resolutions/1203 vizituar me 24-06-2023

was the head of the OSCE Verification Mission, went to the scene and saw this massacre with his own eyes, and then he testify to the world that an indescribable atrocity was committed in Raçak, a crime against humanity was committed.

The Reçak massacre made Milosevic's intention for Kosovo clear, and IC's anger against him exploded. International diplomacy was immediately activated and Albright met with the Minister of Foreign Affairs of Russia and condemned Milosevic's new offensive against the Albanians of Kosovo. After the Reçak massacre on January 15, 1999, the proposition that NATO intervention was imperative to stop the Serbian genocide against the Albanians was repeated. But, as usual, the successive objections of Russia and China to the imperative for NATO to intervene were an obstacle to the use of military forces in defense of peace and security.

Against these obstacles stood the USA, led by President Clinton, who had decided to stop the genocidal violence of the Serbs against the Albanians and to ensure peace and security. In this situation, it was the IC's obligation to stop the genocidal violence, but they were forced to start this obligation with alternatives combined with more aggressive diplomacy accompanied by threats to reach a peaceful solution.

Clinton's doctrine was for the strengthening of NATO and predicted that the security of the countries lying between Europe and Russia affect and endanger the security of America. The approach of the Clinton Doctrine was interventionist with the conviction that genocide wherever it occurs, such as in Africa or Europe or in any other part of the world, remains in our power to stop it and we must stop it. In this regard, the security strategy of humanitarian interests should be to stop the crises they generate destabilization and significant refugee flows. (Silver. K. C. 2021:24).

President Clinton's statements reflected his concern to prevent war and achieve peace. In this period the Clinton doctrine was guiding US diplomacy and he had decided to find diplomatic means to gain support from Russia. In an extremely prudent way, the USA, in order to ensure Russia's support, does not mention any threat of NATO intervention in the Contact Group. On the contrary, the USA focused on the proposal to reach a Peace Agreement for both parties which should contain a defined time frame. In order to achieve the approval of this proposal, it was required that the two sides, the Serbian side and the Albanian side, accept a Peace Agreement. The framework of this Peace Agreement was presented at the Rambouillet Conference (Thomahausen, S. 2002:97). With this decision to hold the Conference and for the parties to sign the Peace Agreement after it, the red tape was set by the IC. The condition for signing the Peace Agreement was a warning that the continuation of Serbian genocidal crimes against the Albanian population in Kosovo could not be tolerated. IC, during the holding of the Conference, persistently demanded that the Ramouille Agreement be signed by the two parties, Serbian and Albanian.

In support of the aforementioned proposal, the Secretary General of NATO, Javier Solana himself, who on January 31st who expressessed the warn to Milosevic for the last time that if the demands of IC were not respected then military attacks would begin (Thomahausen, S. 2002:97). Also, the NATO Council was presented with a statement making clear the obligation

of the two parties to accept the Peace Agreement and in case of refusal, they would use air force. This Declaration of the NATO Council was not welcomed by the Milosevic regime and it immediately demanded an urgent meeting of the Security Council to distance itself from the threatening Declaration of the NATO Council because, according to them, this threat was a violation of Article 2 (4) of the UN Charter.

The UN Security Council did not approve Serbia's request and did not issue any Resolution to condemn the threat of the NATO Council. Serbia's tendentious claims against NATO's intervention, accusing it of violating Article 2 (4), are refuted by analyzing this very article. In fact, the article in question in point 3, i.e. 2(3), is sanctioned for all UN members to resolve their conflicts peacefully so that world peace, security and international justice are not endangered. Then, in fact even in point 2(4)[14] for which Serbia accused NATO, there is a clear sanction which requires that the states do not contradict the goals of the United Nations. Therefore, in the reading and interpretation of the correct meaning of Article 2 (4), it can be seen that it was Milosevic's own power that contradicted the provisions of the UN because according to the Resolutions issued by the Security Council, the situation in Kosovo was declared and it was considered a threat to peace international and regional security (see Resolutions no. 1160 or 1199 and 1203).

Contrary to Milosevic's claims was the representative of Great Britain in the UN Security Council, who excludes the possibility that NATO had committed any violation of Article 2 (4) of the UN Charter. His argumentation was in favor of the intervention since it was done in order to protect the fundamental principles of the UN Charter and to avoid humanitarian catastrophe. According to him, the intervention was the last resort after all diplomatic and legal means had been exhausted to stop Milosevic's atrocities in Kosovo (Thomahausen, S. 2002:110).

The protection of the content of the principles of the UN Charter is mandatory for each member state and in accordance with the Charter they are obliged to commit to resolving any disputes by peaceful means. The main point in the content of the Charter is the binding obligation to maintain international peace and international security and justice. Far from this obligation was Serbia, which not only presented a danger to international peace and regional security, but also did not even try to respect the Resolutions of the UN Security Council, which are binding norms for implementation.

Serbia's other accusatory claim against NATO was the allegation of violation of Article 51 of the UN Charter. In denial of this accusatory claim stands the sanctioning of the actions of each state, where it is emphasized that the individual action of a state in self-defense can be taken or allowed until the Security Council can take the necessary measures to maintain international peace and security. It is also sanctioned that each state is obliged to present the summons to the Security Council and to notify of any danger. In this regard, Serbia could not make a request for dangerousness in advance before the Security Council since it was Serbia itself that caused

[14] https://fn.se/wp-content/uploads/2016/07/FN-stadgan.pdf vizituar me 23-07-2016

danger to international peace and regional security. So their accusation, invoking Article 51 of the UN Charter, was invalid and in fact the main obstacle facing the Milosevic regime.

In Chapter VII of the UN Charter, in Article 39, it is sanctioned that the Security Council determines whether we are dealing with a threat or breach of peace and gives recommendations for appropriate measures. The presentation of the threat to peace and security was emphasized in Resolutions 11 60; 11 99, 12 03 that were not implemented by Serbia. Also, in article 42 it is provided that if the Security Council considers that the measures are insufficient, then it can request necessary measures up to the authorization of the use of armed forces to restore peace and security. The three above-mentioned Resolutions were also in accordance with these articles of Chapter VII of the UN. Resolution 1203 of October 24, 1998 called for the full and speedy implementation of Resolutions 1160 and 1199 and all agreements reached.[15] In Resolution 1203 it was specifically requested that the actions of the Belgrade government be consistent with all previous Resolutions. In this Resolution, the provision for assisting the OSCE Verification Mission in Kosovo was approved, as well as the possibility to add the necessary measures to ensure the functioning of this Mission (Thomahausen, S. 2002:107).

In January 1999, evidence of Serbian genocidal violence was the massacre of Reçak, which was the most recent reference to the situation in Kosovo. President Clinton emphasized that it was painful news about civilians who were massacred there, not because they had done something but only because they were who they were, that is, because they were Albanians. At the international level, there were many reactions where the protection of the Albanian population was sought. Kosovo and these requirements were in accordance with the fundamental values of the UN Charter. In the declarative reactions and support for NATO's intervention against the genocide of Serbia on the Kosovo Albanians, the most powerful reaction to stop the genocide was that of President Bill Clinton, who warned: "... if we and our allies do not have the will to act , there will be more massacres. In dealing with aggressors in the Balkans, hesitation is a license to kill. But action and determination can stop armies and save lives."[16]

President Clinton, after the failure of the Rambouillet Conference, which offered the alternative for a peaceful solution between the parties, found that diplomatic efforts to end the conflict in Kosovo and stop the killings had not yielded results. The peace talks were interrupted because Serbian negotiators refused to discuss the peace plan. After the interruption of the talks, President Clinton made known the warning that NATO had sent to Milosevic with the order that he must either end the conflict or face military actions. President Clinton in his announcement recalls the horror of the Rwanda and Bosnia wars and the delay in intervention until the determination of the US and NATO to intervene and achieve peace in 1995. The experience of these two countries should not to be repeated in Kosovo.[17]

Ending the humanitarian crisis in Kosovo is essential for maintaining the credibility of NATO's mission to maintain stability in Europe. Clinton's determination was the source of the

[15] https://digitallibrary.un.org/record/262334?v=pdf
[16] https://1997-2001.state.gov/policy_remarks/1999/990319_clinton_kosovo.html vizituar me 30-01-2023
[17] https://1997-2001.state.gov/policy_remarks/1999/990319_clinton_kosovo.html vizituar me 30-01-2023

foundations of his doctrine with a vision for the next century and striving to build an alliance with Europe for the 21st century - committed to seeing a unique, strong and secure Europe, in peace and well-being.[18]

President Clinton, in his next warning about stopping the genocide, made it two days before (March 22, 1999) NATO's military intervention in Kosovo began. In his statement, it was emphasized that if Milosevic would continue the aggression, then NATO's plans will move forward towards the objective of stopping the murders in Kosovo and achieving a lasting peace. Also, in response to the situation in Kosovo, President Clinton in his statement underlined that human values and their interests were at risk, so they had to prepare to change the situation. In search of change, all diplomatic means were used and when all hopes were exhausted to make change through diplomacy, then the only possible alternative to make change was NATO's intervention.

Also, one day before NATO's intervention in Kosovo, on March 23, 1999, President Clinton, worried about having to start using military means, presented the summary of his doctrine on what kind of world he wanted to see in the future and said I want us to live in a world where we get along with each other with all our differences and not worry about seeing scenes of ethnic cleansing every night in some part of the world for the next 40 years.[19]

President Clinton argued the imperative of NATO's intervention with the Just War and underlined that "If we stood aside, the atrocities in Kosovo would continue. The neighboring democracies, as you can see, would be invaded by permanent refugees and were demoralized by the failure of the democratic alliance. The Albanians would become a nation without a homeland, a magnet for radical ideologies, a fertile ground for endless war in the Balkans."[20]

The doctrine of President Clinton that was applied in the case of Kosovo for the cessation of genocidal actions is the formula of commitments for the imperative of humanitarian interventions anywhere in the world for a peaceful and secure future for humanity. President Clinton's doctrine stands firmly in fulfilling the criteria of the Just War tradition and in harmony with the principles of humane values in the international justice system.

Conclusions

The territory of Kosovo has experienced many wars throughout history, but the last war was a war that the whole world understood the purpose of the Milosevic regime to eradicate the Albanians from the territory of Kosovo. In fulfillment of this goal, during the years 1998-1999, the Serbian military forces committed genocidal violence against the Albanians in the territory of Kosovo, killing and expelling the Albanians and looting and burning the houses of the Albanians. The International Community invested enormously to stop the Serbian genocidal violence against the Albanians through diplomatic labyrinths, but all diplomatic means were

[18] https://1997-2001.state.gov/policy_remarks/1999/990319_clinton_kosovo.html vizituar me 30-01-2023
[19] https://www.washingtonpost.com/wp-srv/politics/daily/april99/clintonquotes.htm vizituar me 07--03-2018
[20] https://www.washingtonpost.com/wp-srv/politics/daily/april99/clintonquotes.htm

exhausted and international diplomacy failed to stop the genocidal violence, which had the potential to endanger regional security and international peace.

The UN Security Council, during the period when the genocidal violence was taking place in Kosovo, had approved three Resolutions that were binding documents to be implemented, but the Meloshivic government did not take them into account and despised them. The only alternative to end the genocidal violence against Albanians was NATO's humanitarian intervention as an imperative to respond to the catastrophic situation in Kosovo.

Based on the UN Charter and all the documents of the international justice system, it was the IC's obligation to react, but it was difficult to secure the authorization of the Security Council since the two permanent states such as Russia and China refused. Even in the Resolutions of the Security Council it was sanctioned that the power of Milosevic posed a threat to international peace and regional security. Milosevic violated the purpose and essential principles of the UN Charter, which stipulates that all states fulfill in good faith all obligations arising from the Charter.

The situation in Kosovo was urgent and it was imperative that humanitarian intervention with military forces to stop the genocidal violence was the last alternative. NATO's humanitarian intervention for such situations was in accordance with UN documents and international customary law on Just War. The principles of the Just War are based on the prism that war is bad and should be avoided as much as possible, but at the same time admits that in some cases there is justification to go to war and receives recognition as a Just War, as the 78-day intervention of NATO in Kosovo.

These principles were part of the Clinton Doctrine which was the moral compass of the World Order. Clinton's vision was realized at the end of the 20th century in the protection of the Albanian people in Kosovo, as well as providing support to the maintenance of international peace and ensuring people's lives. Actually endangering international peace and collective security was potentially possible in neighboring countries such as Albania, Macedonia, Montenegro, Greece. If the surrounding countries were involved in the conflict, then the spread of the conflict would cause danger to international peace. The danger to regional peace and security was avoided after the cessation of Serbian genocidal violence in Kosovo through the 78-day action of NATO's humanitarian intervention. NATO's humanitarian intervention in Kosovo is part of world history that protected the Albanian people from the extermination of Serbian genocidal violence.

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